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Part 2

SALT LAKE CITY WATERSHED IMPROVEMENT ACT OF 1990

OCTOBER 2, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 319 which on January 25, 1990 was referred jointly to the Committees on Agriculture and I and IA]

The Committee on Agriculture, to whom was referred the bill (S. 319) to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Salt Lake City Watershed Improvement Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) current land ownership patterns in the Northern Canyons of the Wasatch Mountains east of Salt Lake City, Utah, unnecessarily impede efficient land and water resource management activities by the Forest Service and Salt Lake City on their respective lands;

(2) the Act of September 19, 1914, reserved Federal lands in these canyons from mineral entry and set them aside as a municipal water supply reserve for the use and benefit of Salt Lake City;

(3) the 1914 Act further provides for cooperation between the Forest Service and Salt Lake City in managing the lands for municipal water supply purposes; and

(4) a consolidation of National Forest lands and Salt Lake City lands in the canyon vicinities would be in the public interest and would enhance land management and water resource protection opportunities for both Salt Lake City and the Forest Service.

(b) PURPOSES.—The purposes of this Act are to authorize an exchange of National Forest and Salt Lake City lands and interests to consolidate ownership and facili-

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tate management, to adjust boundaries of the Wasatch National Forest accordingly, and to protect valid existing rights appurtenant to lands and interests subject to conveyance under this Act.

SEC. 3. CONVEYANCE OF LANDS.

(a) IN GENERAL.—The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to convey certain Federal lands and interests managed by the Forest Service within the State of Utah, and generally as depicted on the map entitled "Salt Lake City—Wasatch National Forest Land Exchange" and dated November 1989, for certain lands and interests owned by the Salt Lake City Corporation (hereinafter referred to as the "City") as generally depicted on such map. Such map, along with a legal description of all lands and interests to be conveyed, shall be on file and available for public inspection in the office of the Forest Service, United States Department of Agriculture. The Secretary shall convey such Federal lands and interests to the City only upon the occurrence of all of the following:

(1) Publication by the Secretary in the Federal Register of a legal description of all Federal lands and interests to be conveyed to the City pursuant to this Act.

(2) Publication by the Secretary in the Federal Register of a legal description of all City lands and interests to be conveyed to the United States pursuant to this Act.

(3) Written notification by the City to the Secretary that the City accepts the provisions of this Act, including subsection (e)(2) and subsection (f).

(4) Delivery to the Secretary by the City of documents of conveyance of the lands and interests to be conveyed by the City.

(5) Delivery to the City and the Secretary of written approval by the Attorney General of the United States of the title to the lands and interests described in documents of conveyance submitted by the City within six months of their receipt by the Secretary.

(b) CONFLICTS.— Conveyance of Federal lands and interests under this Act shall be completed notwithstanding—

(1) the reservations of the Act of September 19, 1914;

(2) withdrawals of lands for the Fort Douglas Military Reservation under the Executive orders dated September 3, 1867, and June 8, 1896, and under the Pickett Act of June 25, 1910 (36 Stat. 847); and

(3) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) ADMINISTRATION.—Lands and interests acquired by the United States pursuant to this Act shall be added to, and administered as part of, the National Forest System under principles of multiple use and sustained yield.

(d) ADJUSTMENT OF BOUNDARIES.—The boundaries of the Wastach National Forest shall be adjusted as depicted on the map referred to in subsection (a) to reflect the conveyance and acquisition of lands pursuant to this Act.

(e) INTERIM RECOGNITION OF EXISTING RIGHTS.—Valid existing rights appurtenant to lands and interests acquired by the Secretary or acquired by the City pursuant to this Act shall be recognized, protected, and managed by the acquiring government in accordance with the terms and authorities under which such rights were issued until new, similar rights can be issued by the acquiring government—

(1) in the case of lands and interests acquired by the Federal Government, the Secretary shall negotiate with holders of valid existing rights appurtenant to such lands and interests issued by the City and provide such holders of rights new, similar rights under the authority of the Federal Government; and

(2) in the case of lands and interests acquired by the City, the City will negotiate with holders of grazing permits, special use permits (to include easements and rights-of-ways), or other valid existing rights appurtenant to such lands and interests issued by the Federal Government and will provide such holders of rights with similar new rights under the authority of the City.

(f) RECOGNITION OF MORMON TRAIL.—The City will recognize the designation of the Mormon Pioneer National Historic Trail over lands which it acquires pursuant to this Act and will manage its lands in a manner consistent with such designation.

SEC. 4. RESTRICTIONS.

(a) RESTRICTION ON ADDITIONAL TRANSFER.—The lands and interests transferred to the City or the United States under this Act shall not be conveyed or otherwise transferred to any person or entity other than the United States.

(b) RESTRICTIONS ON EXPLORATION OR DEVELOPMENT.—The lands and interests transferred to the City or the United States under this Act shall not be subject to

any form of mineral, energy, or geothermal exploration or development, and shall be used only for purposes consistent with and conforming to the reservations and purposes of the Act of September 19, 1914, and this Act, except for valid existing rights protected under section 3(e).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

BRIEF EXPLANATION

The bill is entitled the "Salt Lake City Watershed Improvement Act of 1990".

This bill authorizes the Forest Service and Salt Lake City, Utah, to exchange certain lands and interests in the Northern Canyons of the Wasatch Mountains east of Salt Lake City, Utah to facilitate water resource management. The exchange is authorized so long as certain title and publication requirements are met and the City agrees in writing to accept the provisions of the bill, including provisions protecting valid existing rights on the lands being transferred.

The lands acquired by the United States will be administered as part of the national forest system. After the exchange is accomplished, the lands and interests may not be further transferred to any party other than the United States. The lands transferred may not be subject to any mineral, energy, or geothermal exploration or development, and may only be used in ways that are consistent with the 1914 Act, except for valid existing rights.

PURPOSE AND NEED

The purpose of S. 319 is to authorize an exchange of lands between the United States and Salt Lake City, Utah. The exchange would consolidate land ownership and increase management efficiencies for both entities.

The Federal lands involved are part of the Wasatch National Forest, managed by the Department of Agriculture's Forest Service. Current law allows the exchange of such lands through an administrative process in some instances. However, legislation is necessary because current authorities do not allow the acquisition of lands outside existing National Forest boundaries, as envisioned in S. 319. In addition, some of the National Forest lands to be conveyed are encumbered by a statutory withdrawal that can be reversed only through legislation. S. 319 provides the necessary waiver of these withdrawals.

Current land ownership patterns are confusing and cause management difficulties for both the Forest Service and Salt Lake City. Consolidation will resolve many of these problems, particularly where the Forest Service and the City manage adjacent tracts for different types of uses and activities, some of which may be incompatible.

The Committee is aware of the critical importance of watershed protection in the area of the exchange lands. Numerous provisions are included in S. 319 to assure the continued protection of this vital resource by both the City and the Forest Service.

Unlike existing exchange authorities and contrary to usual Committee practices, S. 319 does not require the Secretary of Agricul-

ture to determine that the lands to be exchanged are of equal value. The bill specifically exempts the exchange from the equal value provision of the Federal Land Policy and Management Act. This exemption is provided because the Committee understands that the lands to be exchanged, on an essentially acre-for-acre basis, are of approximately equal value, and that the costs of formal appraisals and mineral surveys would exceed the benefits of the exchange. In addition, the prospecting activities required for mineral surveys could themselves damage the watershed resources that the City and Forest Service are to protect. The Committee notes that this exemption is rare and is provided only because of this combination of factors.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

Section 1 provides that the bill may be cited as the "Salt Lake City Watershed Improvement Act of 1990".

Section 2—Finding and purposes

Section 2(a) provides findings of Congress. Section 2(b) lists the purposes of the bill.

Section 3—Conveyance of lands

Section 3(a) authorizes and directs the Secretary of Agriculture to exchange lands and interests managed by the Forest Service and depicted on a map for lands and interests owned by the Salt Lake City Corporation (hereinafter referred to as the "City"), also depicted on such map, only if the following conditions are met:

(1) Publication by the Secretary in the Federal Register of a legal description of the federal lands and interests to be conveyed to the City and of the City lands and interests to be conveyed to the United States.

(2) Written notification by the City that the City agrees to the terms of the exchange as set forth in the provisions of the Act, including the requirement under section 3(e)(2) that the City will recognize valid existing rights on the lands to be acquired by the City, that the City will recognize the designation of the Mormon Pioneer National Historic Trail on such lands, and the restrictions under section 4.

(3) Delivery to the Secretary by the City of documents of conveyance of the lands and interests to be conveyed by the City.

(4) Delivery to the City and the Secretary of written approval by the Attorney General of the United States of title of the lands and interests described in documents of conveyance submitted by the City within six months of their receipt by the Secretary.

Section 3(b) directs that the Federal lands and interests be conveyed under the Act notwithstanding the following:

(1) The reservations of the Act of September 19, 1914.

(2) Withdrawals of lands for the Fort Douglas Military Reservation that were made by Executive Order and the Pickett Act.

(3) Section 206 of the Federal Land Policy and Management Act of 1976.

Section 3(c) directs that the lands and interests acquired by the United States be administered as part of the National Forest system.

Section 3(d) directs that the boundaries of the Wasatch National Forest be adjusted to reflect the conveyance and acquisition of lands pursuant to the Act.

Section 3(e) requires that valid existing rights on the lands being transferred be recognized and protected and both the Secretary and the City are to negotiate with the holders of such rights and provide them with new and similar rights.

Section 3(f) requires the City to recognize the segment of the Mormon Pioneer National Historic Trail located on the lands it acquires and to manage the trail consistent with its designation.

Section 4—Restrictions

Section 4(a) requires that, after the exchange is accomplished, the lands and interests may be further conveyed only to the United States.

Section 4(b) requires that none of the lands and interests involved in this exchange can be subject to mineral, energy or geothermal exploration or development and that such lands may only be used in a way consistent with and conforming to the Act of September 19, 1914 and the Act. The only exception is valid existing rights.

Section 5—Authorization of appropriations

Section 5 authorizes the appropriation of sums necessary to carry out the purposes of the Act.

COMMITTEE CONSIDERATION

I

The Subcommittee on Forests, Family Farms, and Energy conducted a public hearing on S. 319 on June 13, 1990. Testimony was received from Rep. Wayne Owens of Utah, sponsor of the House companion bill (H.R. 807), and Mr. F. Dale Robertson, Chief of the Forest Service, Department of Agriculture. A written statement was received from the Honorable Palmer DePaulis, Mayor of Salt Lake City. Both witnesses testified in support of the general purpose of the bill and in support of modifications which were subsequently incorporated.

II

The Subcommittee met, pursuant to notice, in open business session on June 19, 1990. Without objections, the Subcommittee agreed to the motion by Mr. Volkmer to consider an amendment in the nature of a substitute to S. 319. Following a discussion of the substitute, which conformed the bill to recommendations of the administration, the substitute was agreed to and Mr. Morrison moved to favorably report the bill, as amended, to the Committee. The motion was agreed to by voice vote.

III

The Committee on Agriculture met in open business session on July 18, 1990. Chairman de la Garza, after calling the meeting to order, recognized Mr. Volkmer and Mr. Morrison, who described S. 319 as amended by the Subcommittee. Mr. Volkmer moved to report the bill, as amended, favorably to the House, and the motion was agreed to by a voice vote in the presence of a quorum.

ADMINISTRATION POSITION

At the time of the filing of this report, the Committee had not received a report from the U.S. Department of Agriculture concerning S. 319, as amended, a bill entitled the "Salt Lake City Watershed Improvement Act of 1990".

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, or new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 were not received by the Committee prior to the filing of this report.

INFLATIONARY IMPACT STATEMENT

Pusuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of S. 319, as amended, will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by S. 319, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of rule X of the Rules of the House of Representatives.

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